

## **MINUTES**

### **MONTANA SENATE 61st LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON FINANCE AND CLAIMS**

**Call to Order:** Chairman Keith Bales, on March 10, 2009 at 8:00  
A.M., in Room 317 Capitol

#### **ROLL CALL**

##### **Members Present:**

Sen. Keith Bales, Chairman (R)  
Sen. Dave Lewis, Vice Chairman (R)  
Sen. Debby Barrett (R)  
Sen. John Brenden (R)  
Sen. Mike Cooney (D)  
Sen. John Esp (R)  
Sen. Bob Hawks (D)  
Sen. Rick Laible (R)  
Sen. Jim Peterson (R)  
Sen. Rick Ripley (R)  
Sen. Ryan Zinke (R)

##### **Members Excused:**

Sen. Gregory D. Barkus (R)  
Sen. John Brueggeman (R)  
Sen. Steven Gallus (D)  
Sen. Ken (Kim) Hansen (D)  
Sen. Trudi Schmidt (D)  
Sen. Mitch Tropila (D)  
Sen. David E. Wanzenried (D)  
Sen. Carol Williams (D)

**Members Absent:** None

**Staff Present:** Prudence Gildroy, Committee Secretary  
Taryn Purdy, Legislative Branch

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing & Date Posted: SB 194, 3/5/2009; SB 123,  
2/26/2009; SB 263, 3/5/2009;  
SB 500, 3/5/2009

Executive Action: SB 263; SB 100

00:00:03 Chairman Bales

**HEARING ON HB 194**

**Opening Statement by Sponsor:**

00:01:16 Rep. Scott Mendenhall (R), HD 77, opened the hearing on  
HB 194, Statutory appropriation for county payment from  
hard rock mining trust account.

00:01:18 Sen. Brueggeman now present

**Proponents' Testimony:**

00:04:33 Dave Cole, Department of Commerce (COM)

[EXHIBIT\(fcs53a01\)](#)

[EXHIBIT\(fcs53a02\)](#)

[EXHIBIT\(fcs53a03\)](#)

[EXHIBIT\(fcs53a04\)](#)

[EXHIBIT\(fcs53a05\)](#)

[EXHIBIT\(fcs53a06\)](#)

[EXHIBIT\(fcs53a07\)](#)

00:10:01 Harold Blattie, Montana Association of Counties (MACo)

[EXHIBIT\(fcs53a08\)](#)

00:12:12 Susie Mosness, Sweetgrass County Commissioner

00:12:59 Maureen Davy, Stillwater County Commissioner

[EXHIBIT\(fcs53a09\)](#)

**Opponents' Testimony:**

None

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

None

**Closing by Sponsor:**

00:14:39 Rep. Mendenhall

Sen. Story will carry the bill in the Senate.

**HEARING ON HB 123**

**Opening Statement by Sponsor:**

00:15:43 Rep. Llew Jones (R), HD 27, opened the hearing on HB 123, Extend coal trust funded econ dev programs--reduce statutory approps.

[EXHIBIT\(fcs53a10\)](#)

**Proponents' Testimony:**

00:19:54 Tony Preite, Director, Department of Commerce (COM)

00:23:01 Ron de Yong, Director, Department of Agriculture (AGR)

[EXHIBIT\(fcs53a11\)](#)

[EXHIBIT\(fcs53a12\)](#)

00:27:25 John Youngberg, Montana Farm Bureau and Montana Agricultural Coalition

[EXHIBIT\(fcs53a13\)](#)

00:29:00 Mike Coryell, Executive Director, Miles City Economic Development Council

[EXHIBIT\(fcs53a14\)](#)

00:32:20 Terry Myhre, Montana

[EXHIBIT\(fcs53a15\)](#)

[EXHIBIT\(fcs53a16\)](#)

00:35:48 John Balsam, John Balsam Associates, LLC

[EXHIBIT\(fcs53a17\)](#)

00:39:42 Kevin Jam, Montana Telecommunications Association (MTA)

00:40:27 Paul Tuss, Executive Director, Bearpaw Development Corporation

00:41:07 Gary Amestoy, Richland County Economic Development Corporation

00:41:52 Steve Holland, Montana Manufacturing Extension Center  
(MMEC), MSU  
00:44:39 Web Brown, Montana Chamber of Commerce  
00:44:56 Chad DeLong, Missoula Area Economic Development  
Corporation  
00:45:44 Ivy English, for Sylvia Moore, Office of Higher  
Education  
00:46:43 Brett Delby, Great Falls Economic Development  
00:48:46 Ronda Wiggers, Great Falls and Helena Chambers of  
Commerce

**Opponents' Testimony:**

None

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

00:49:30 Sen. Ripley  
00:49:43 Rep. Jones  
00:50:21 Sen. Barkus  
00:50:33 Director de Yong, AGR  
00:51:16 Sen. Barkus  
00:51:26 Director Preite, COM

**Closing by Sponsor:**

00:51:49 Rep. Jones  
  
00:55:39 Chairman Bales

**HEARING ON SB 263**

**Opening Statement by Sponsor:**

00:57:11 Sen. Jim Shockley (R), SD 45, opened the hearing on SB  
263, Revise public defender laws.

**Proponents' Testimony:**

01:06:38 Leo Gallagher, Lewis and Clark County Attorney on  
behalf of Montana County Attorney's Association  
01:08:53 Jeff Langton, Ravalli County District Judge  
01:10:58 Jim Haynes, District Judge, 21st Judicial District

**Opponents' Testimony:**

None

**Informational Testimony:**

01:13:57 Randi Hood, Chief Public Defender (OPD)

**Questions from Committee Members and Responses:**

01:16:36 Sen. Brendan  
01:17:33 Judge Langdon  
01:18:35 Sen. Hawks  
01:19:11 Sen. Shockley  
01:19:36 Sen. Hawks  
01:19:52 Sen. Shockley  
01:20:52 Sen. Hawks  
01:21:22 Sen. Shockley  
01:21:58 Sen. Laible  
01:22:45 Sen. Shockley  
01:26:01 Sen. Laible  
01:26:17 Sen. Shockley  
01:27:11 Sen. Williams  
01:27:45 Sen. Shockley  
01:28:54 Sen. Williams  
01:29:09 Sen. Shockley  
01:30:20 Sen. Zinke  
01:30:33 Sen. Shockley  
01:31:28 Sen. Zinke  
01:31:38 Sen. Shockley  
01:31:53 Sen. Zinke  
01:31:58 Sen. Shockley  
01:32:03 Sen. Schmidt  
01:32:40 Ms. Hood, OPD  
01:33:58 Chairman Bales  
01:34:41 Sen. Shockley  
01:35:53 Chairman Bales

**Closing by Sponsor:**

01:35:59 Sen. Shockley  
  
01:39:30 Chairman Bales  
  
01:39:42 Recess  
02:00:26 Reconvene  
  
02:00:45 Chairman Bales

Sen. Barkus, Sen. Esp, Sen. Gallus, Sen. Laible, Sen. Peterson,  
Sen. Ripley, Sen. Schmidt, Sen. Tropila, Sen. Williams not  
present

**EXECUTIVE ACTION ON SB 263**

02:01:02 **Motion:** Sen. Zinke moved that **SB 263 DO PASS.**

02:01:19 **Motion:** Sen. Zinke moved SB 263 be amended.  
**EXHIBIT(fcs53a18)**

02:01:36 **Vote:** Motion carried 10-0 by voice vote, present and  
voting.

02:01:48 Sen. Zinke withdrew his motion do pass SB 263. A new  
fiscal note will be requested.

**HEARING ON SB 500**

**Opening Statement by Sponsor:**

02:02:32 Sen. Jim Peterson (R), SD 15, opened the hearing on SB  
500, Specify the proceeds of riverbed rent.  
**EXHIBIT(fcs53a19)**

**Proponents' Testimony:**

None

**Opponents' Testimony:**

02:11:48 Anthony Johnstone, Solicitor, Office of the Attorney  
General (OAG)

02:19:38 Candace West, Chief Counsel, Montana Department of  
Natural Resources and Conservation (DNRC)

**EXHIBIT(fcs53a20)**

02:33:55 Rusty Harper, Office of Secretary of State

**Informational Testimony:**

02:34:47 Dave Van Nice, State Auditor's Office

02:35:33 Director Mary Sexton, DNRC

**Questions from Committee Members and Responses:**

02:35:52 Chairman Bales

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02:36:05 Sen. Hawks  
 02:36:53 Sen. Peterson  
 02:42:32 Sen. Hawks  
 02:43:19 Mr. Johnstone, OAG  
 02:44:24 Sen. Hawks  
 02:44:35 Mr. Johnstone  
 02:46:09 Sen Hawks  
 02:46:21 Mr. Johnstone  
 02:46:26 Sen. Brendan  
 02:46:51 Mr. Johnstone  
 02:46:55 Sen. Brendan  
 02:47:22 Mr. Johnstone  
 02:48:12 Sen. Brendan  
 02:48:24 Mr. Johnstone  
 02:48:46 Sen. Laible  
 02:49:45 Ms. West, DNRC  
 02:54:02 Sen. Laible  
 02:54:20 Ms. West  
 02:54:26 Sen. Laible  
 02:56:44 Ms. West  
 02:58:19 Sen. Laible  
 02:59:07 Ms. West  
 03:00:56 Sen. Laible  
 03:01:00 Chairman Bales  
 03:01:07 Sen. Ripley  
 03:01:15 Ms. West  
 03:03:08 Sen. Ripley  
 03:03:29 Ms. West  
 03:04:04 Sen. Ripley  
 03:04:16 Ms. West  
 03:05:12 Sen. Ripley  
 03:05:20 Ms. West  
 03:05:27 Sen. Barkus  
 03:05:52 Ms. West  
 03:07:00 Sen. Barkus  
 03:07:38 Ms. West  
 03:07:44 Chairman Bales  
 03:07:51 Mr. Johnstone  
 03:09:33 Sen. Barkus  
 03:09:53 Mr. Johnstone  
 03:11:16 Sen. Barkus  
 03:11:37 Ms. Sexton  
 03:12:50 Sen. Barkus  
 03:12:58 Ms. Sexton  
 03:13:59 Sen. Barkus  
 03:14:07 Sen. Hawks  
 03:15:08 Ms. West  
 03:15:23 Sen. Barrett  
 03:16:42 Ms. Sexton  
 03:17:52 Sen. Barrett

03:17:59 Chairman Bales  
03:18:29 Ms. West  
03:18:35 Chairman Bales  
03:19:48 Ms. West  
03:20:12 Chairman Bales  
03:20:26 Ms. West  
03:22:34 Chairman Bales  
03:23:11 Ms. West  
03:24:25 Chairman Bales  
03:24:30 Ms. West  
03:24:47 Chairman Bales  
03:24:50 Ms. Sexton  
03:25:15 Chairman Bales  
03:25:47 Ms. Sexton  
03:26:16 Chairman Bales  
03:27:12 Mr. Johnstone  
03:28:07 Chairman Bales  
03:28:19 Mr. Johnstone  
03:29:47 Chairman Bales  
03:30:19 Mr. Johnstone  
03:31:34 Chairman Bales  
03:32:04 Mr. Johnstone

**Closing by Sponsor:**

03:32:49 Sen. Peterson  
03:36:42 Chairman Bales

Sen. Gallus, Brueggeman, Sen. Williams not present

**EXECUTIVE ACTION ON SB 100**

03:38:03 **Motion:** Sen. Lewis moved that **SB 100 DO PASS.**

03:38:10 **Motion:** Sen. Lewis moved that **SB 100 BE AMENDED.**  
**EXHIBIT(fcs53a21)**

**Discussion:**

03:38:36 Chairman Bales  
03:38:57 Sen. Lewis withdrew his motion to amend SB 100.  
03:40:17 Sen. Cooney  
03:40:33 Chairman Bales  
03:40:56 Sen. Cooney  
03:41:00 Chairman Bales  
03:41:02 Sen. Barkus  
03:41:25 Sen. Esp, Brueggeman and Williams now present  
03:41:39 Chairman Bales

03:42:30 Sen. Barkus  
 03:42:43 Chairman Bales  
 03:42:46 Sen. Esp  
 03:43:16 Sen. Laible  
 03:44:35 Sen. Hawks  
 03:45:41 Chairman Bales  
 03:47:06 Sen. Esp  
 03:47:30 Sen. Brendan  
 03:48:20 Sen. Zinke  
 03:49:15 Chairman Bales  
 03:49:16 Sen. Wanzenried  
 03:50:21 Chairman Bales  
 03:50:32 Sen. Wanzenried  
 03:50:49 Pat Gervais, Legislative Fiscal Division (LFD)

03:51:13 **Motion:** Sen. Wanzenried moved that **SB 100 BE AMENDED** with added conceptual language in the amendment for contingency.

**EXHIBIT** (fcs53a22)

03:51:33 Chairman Bales  
 03:51:52 Sen. Wanzenried  
 03:51:57 Chairman Bales

**Discussion:**

03:52:01 Sen. Esp  
 03:52:19 Sen. Wanzenried  
 03:52:43 Sen. Esp  
 03:53:05 Sen. Wanzenried  
 03:53:14 Chairman Bales  
 03:53:18 Sen. Barrett  
 03:54:23 Chairman Bales  
 03:54:25 Sen. Hawks  
 03:54:52 Chairman Bales  
 03:56:00 Sen. Esp  
 03:56:15 Sen. Wanzenried  
 03:56:24 Sen. Bales

03:56:38 **Vote:** Motion carried 15-4 by roll call vote with Sen. Barkus, Sen. Barrett, Sen. Ripley, and Sen. Zinke voting no. Sen. Gallus voted by proxy.

03:57:51 **Motion/Vote:** Sen. Lewis moved that **SB 100 DO PASS AS AMENDED**. Motion carried 18-1 by voice vote with Sen. Tropila voting no. Sen. Gallus voted by proxy.

**ADJOURNMENT**

Adjournment: 12:00 P.M.

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Prudence Gildroy, Secretary

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Additional Documents:

**EXHIBIT ([fcs53aad.pdf](#))**